



Sen. Dan Kotowski

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1 AMENDMENT TO SENATE BILL 640

2 AMENDMENT NO. _____. Amend Senate Bill 640 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Electronic Fund Transfer Act is amended by
5 changing Section 50 as follows:

6 (205 ILCS 616/50)

7 Sec. 50. Terminal requirements.

8 (a) To assure maximum safety and security against
9 malfunction, fraud, theft, and other accidents or abuses and to
10 assure that all access devices will have the capability of
11 activating all terminals established in this State, no terminal
12 shall accept an access device that does not conform to
13 specifications that are generally accepted. In the case of a
14 dispute concerning the specifications, the Commissioner, in
15 accordance with the provisions of Section 20 of this Act, shall
16 have the authority to determine the specifications.

1 (b) No terminal that does not accept an access device that
2 conforms with those specifications shall be established or
3 operated.

4 (c) A terminal shall bear a logotype or other
5 identification symbol designed to advise customers which
6 access devices may activate the terminal.

7 (d) When used to perform an interchange transaction, a
8 terminal shall not bear any form of proprietary advertising of
9 products and services not offered at the terminal; provided,
10 however, that a terminal screen may bear proprietary
11 advertising of products or services offered by a financial
12 institution when a person uses an access device issued by that
13 financial institution.

14 (e) No person operating a terminal in this State shall
15 impose any surcharge on a consumer for the usage of that
16 terminal, whether or not the consumer is using an access device
17 issued by that person, unless that surcharge is clearly
18 disclosed to the consumer electronically on the terminal
19 screen. Following presentation of the electronic disclosure on
20 the terminal screen, the consumer shall be provided an
21 opportunity to cancel that transaction without incurring any
22 surcharge or other obligation. If a surcharge is imposed on a
23 consumer using an access device not issued by the person
24 operating the terminal, that person shall disclose on the
25 terminal screen that the surcharge is in addition to any fee
26 that may be assessed by the consumer's own institution. As used

1 in this subsection, "surcharge" means any charge imposed by the
2 person operating the terminal solely for the use of the
3 terminal.

4 (f) A receipt given at a terminal to a person who initiates
5 an electronic fund transfer shall include a number or code that
6 identifies the consumer initiating the transfer, the
7 consumer's account or accounts, or the access device used to
8 initiate the transfer. If the number or code shown on the
9 receipt is a number that identifies the access device, the
10 number must be truncated as printed on the receipt so that
11 fewer than all of the digits of the number or code are printed
12 on the receipt. The Commissioner may, however, modify or waive
13 the requirements imposed by this subsection (f) if the
14 Commissioner determines that the modifications or waivers are
15 necessary to alleviate any undue compliance burden.

16 (g) No terminal shall operate in this State unless, with
17 respect to each interchange transaction initiated at the
18 terminal, the access code entered by the consumer to authorize
19 the transaction is encrypted by the device into which the
20 access code is manually entered by the consumer and is
21 transmitted from the terminal only in encrypted form. Any
22 terminal that cannot meet the foregoing encryption
23 requirements shall immediately cease forwarding information
24 with respect to any interchange transaction or attempted
25 interchange transaction.

26 (h) No person that directly or indirectly provides data

1 processing support to any terminal in this State shall
2 authorize or forward for authorization any interchange
3 transaction unless the access code intended to authorize the
4 interchange transaction is encrypted when received by that
5 person and is encrypted when forwarded to any other person.

6 (i) A terminal operated in this State may be designed and
7 programmed so that when a consumer enters his or her personal
8 identification number in reverse order, the terminal
9 automatically sends an alarm to the local law enforcement
10 agency having jurisdiction over the terminal location. The
11 Commissioner shall promulgate rules necessary for the
12 implementation of this subsection (i). The provisions of this
13 subsection (i) shall not be construed to require an owner or
14 operator of a terminal to design and program the terminal to
15 accept a personal identification number in reverse order.

16 (j) A person operating a terminal in this State may not
17 impose a fee upon a consumer for usage of the terminal if the
18 consumer is using a Link Card or other access device issued by
19 a government agency for use in obtaining financial aid under
20 the Illinois Public Aid Code.

21 A person operating a terminal in this State may not impose
22 a fee upon a consumer for usage of the terminal if the consumer
23 is using an EPPICard issued by the Illinois State Disbursement
24 Unit for the purpose of receiving his or her child support
25 payments.

26 For the purposes ~~purpose~~ of this subsection (j), the term

1 "person operating a terminal" means the person who has control
2 over and is responsible for a terminal. The term "person
3 operating a terminal" does not mean the person who owns or
4 controls the property or building in which a terminal is
5 located, unless he or she also has control over and is
6 responsible for the terminal.
7 (Source: P.A. 98-415, eff. 8-16-13.)".